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13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 RENATO CONSUEGRA-CLEMENTE,

19 Defendant.

20 Case No. 2:20-cr-018-JCM-EJY

21 **STIPULATION TO CONTINUE**  
22 **TRIAL DATES**  
23 (Fourth Request)

24 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,  
25 Acting United States Attorney, and Allison Reese, Assistant United States Attorney, counsel  
26 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Paul  
D. Riddle, Assistant Federal Public Defender, counsel for Renato Consuegra-Clemente, that the  
calendar call currently scheduled for June 16, 2021, and the trial currently scheduled for June  
21, 2021, be vacated and continued to a date and time convenient to the Court, but no sooner  
than thirty (30) days.

27 This Stipulation is entered into for the following reasons:

28 1. Counsel for the defendant needs additional time to conduct investigation in this  
29 case in order to determine whether there are any pretrial issues that must be litigated and  
30 whether the case will ultimately go to trial or will be resolved through negotiations.

1       2. The defendant is incarcerated and does not object to the continuance.  
2       3. The parties agree to the continuance.  
3       4. The additional time requested herein is not sought for purposes of delay, but  
4 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
5 complete investigation of the discovery materials provided.

6       5. Additionally, denial of this request for continuance could result in a miscarriage  
7 of justice. The additional time requested by this Stipulation is excludable in computing the time  
8 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
9 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
10 Section 3161(h)(7)(B)(i), (iv).

11       This is the fourth request to continue trial dates filed herein.

12       DATED this 26<sup>th</sup> day of May, 2021.

13  
14       RENE L. VALLADARES  
15       Federal Public Defender

CHRISTOPHER CHIOU  
Acting United States Attorney

16       /s/ *Paul D. Riddle*  
17       By \_\_\_\_\_  
18       PAUL D. RIDDLE  
19       Assistant Federal Public Defender

20       /s/ *Allison Reese*  
21       By \_\_\_\_\_  
22       ALLISON REESE  
23       Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

RENATO CONSUEGRA-CLEMENTE,

Defendant.

Case No. 2:20-cr-018-JCM-EJY

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

## ORDER

IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be submitted to the Court at Calendar Call.

IT IS FURTHER ORDERED that the calendar call currently scheduled for June 16, 2021, at 1:30 p.m., be vacated and continued to October 27, 2021 at the hour of 1:30 p.m.; and the trial currently scheduled for June 21, 2021, at the hour of 9:00 a.m., be vacated and continued to November 1, 2021 at the hour of 9:00 a.m.

DATED May 28, 2021.

James C. Mahan  
UNITED STATES DISTRICT JUDGE